

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BEVERLY TRAN,

Plaintiff,

CIVIL ACTION NO. 07-CV-13232-DT

vs.

DISTRICT JUDGE BERNARD A. FRIEDMAN

MICHIGAN DEP'T OF
HUMAN SERVS., et al.,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

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**OPINION AND ORDER DENYING AS MOOT DEFENDANT REIZEN'S MOTION
TO QUASH SERVICE OF PROCESS AND TO DENY PLAINTIFF'S MOTION FOR
ENTRY OF DEFAULT
AND
DENYING PLAINTIFF'S MOTION STRIKE DEFENDANT REIZEN'S MOTION TO
QUASH AND FOR SANCTIONS**

This matter comes before the Court on two motions. The first was filed on December 19, 2007 by Defendant Reizen, a Detroit police officer, to quash service of process and to dismiss Plaintiff's Motion for Entry of Default against him. (Docket no. 82). The second motion was filed on December 26, 2007 and is Plaintiff's Motion to Strike the above motion by Defendant Reizen and for sanctions against him. (Docket no. 86). All pretrial matters have been referred to the undersigned for decision in this action. (Docket no. 3). These motions are now ready for ruling.

This Court has already found that Plaintiff's attempted service of the summons and complaint in this action on Defendant Reizen was deficient. (Docket no. 70 at 3). This Court recommended that Plaintiff's Motion for Default be denied. (*Id.*). The district judge has now accepted that recommendation and denied Plaintiff's motion. (Docket no. 87). Nothing in the present motions changes this Court's conclusion that the attempted service was deficient. Accordingly, the Court finds that Defendant Reizen's Motion to Quash Service of Process and to Deny Plaintiff's Motion for Default

as Moot is moot. There is no merit to Plaintiff's Motion to Strike Defendant Reizen's Motion to Quash Service. Finally, there is no merit to Plaintiff's request for sanctions against Defendant Reizen.

IT IS THEREFORE ORDERED that Defendant Reizen's Motion to Quash Service of Process and to Deny Plaintiff's Motion for Default as Moot (docket no. 82) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Plaintiff's Motion to Strike Defendant Reizen's Motion to Quash and for Sanctions (docket no. 86) is **DENIED**.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: January 24, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Beverly Tran and Counsel of Record on this date.

Dated: January 24, 2008

s/ Lisa C. Bartlett
Courtroom Deputy

